

[KENT COUNTY

LAND SUBDIVISION ORDINANCE

Adopted: December 23, 1969

Amended: August 7, 1984

February 19, 1985

HD
1390.3
.M3
K46
1985

Ind. Dept. of Natural Resources

HD 1390.3.M3K46 1985

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LAND SUBDIVISION ORDINANCE

KENT COUNTY, MARYLAND

ARTICLE 1. TITLE AND APPLICABILITY

Section 1. Title

This Ordinance shall be known, referred to, and cited as the Land Subdivision Ordinance of Kent County, Maryland.

Section 2. Applicability

1. This Ordinance shall apply throughout the unincorporated territory of Kent County, Maryland. The regulations contained herein are adopted under the authority of Article 66B Annotated Code of Maryland, as amended, and shall be in addition to any regulations pertaining to land subdivision adopted by the State Department of Health or other agency of the State of Maryland, and in the case of any conflict, the more exacting regulation shall prevail.
2. This ordinance applies to:
 - 1) Subdivisions
 - 2) Resubdivisions
 - 3) Deplatting or vacations of subdivision
 - 4) Changes in recorded subdivisions

This ordinance does not apply to land taken by the exercise of eminent domain by any public agency.

ARTICLE 2. PURPOSE

This Ordinance has been established for the purpose of guiding and accomplishing the coordination and harmonious development of the unincorporated territory of Kent County, Maryland, in order to promote, in accordance with present and future needs, the health, safety, morals, order, convenience, prosperity, and general welfare of the citizens of the county. In the accomplishment of this purpose, the regulations as herein established provide for, among other things, efficiency and economy in the process of development; the proper arrangement of streets, in relation to each other and to the existing and planned streets and other features of the Comprehensive Plan of the County; adequate open spaces for recreation, light, and air; convenient distribution of population and traffic; adequate provision for public utilities and other public facilities; and other requirements for land subdivision which will tend to create conditions favorable to the health, safety, convenience, and prosperity of the citizens of Kent County, Maryland.

ARTICLE 3. DEFINITIONS

Section 1. General Rules of Construction

The following general rules of construction shall apply to the regulations of this Ordinance.

1. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
2. Words used in the present tense include the past and future tenses, and the future the present.
3. The word "shall" is always mandatory. The word "may" is permissive.
4. The word "public" means "open to common use", whether or not public ownership is involved.
5. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

Section 2. Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined:

1. Alley A narrow public thoroughfare, not exceeding 16 feet in width, which provides a secondary means of vehicular access to abutting properties, and which is not intended for general circulation.
2. Building Line A line within a lot, so designated on a plat of subdivision, between which line and the street line of any abutting street, no building or structure may be erected.
3. Collector Street A street which is intended to collect traffic from the minor streets within a neighborhood or a portion thereof and to distribute such traffic to major thoroughfares, in addition to providing access to properties abutting thereon.
4. Crosswalkway A public way intended for pedestrian use and excluding motor vehicles, which cuts across a block in order to furnish improved access to adjacent streets or properties.

5. Cul-de-sac A minor street having but one end open for vehicular traffic and with the other end permanently terminated by a turnaround or backaround for vehicles.
6. Easement A strip of land for which the owner grants a right of use to someone else for one or more designated purposes, which purposes are consistent with the general property rights of the owner.
7. Engineer The County Engineer of Kent County, who shall be the Resident Engineer of the State Roads Commission or other qualified civil engineer designated by the County Commissioners.
8. Health Officer The Health Officer of Kent County.
9. Lot A portion of a subdivision or other parcel of land intended for the purpose of building development, whether immediate or future.
10. Lot Area The total horizontal area within the lot lines of the lot.
11. Lot Depth The average horizontal distance between the front and rear lot lines.
12. Lot Line The boundary line of the lot.
13. Lot Width The horizontal distance between the side lot lines measured at the required building setback line.
14. Major Thoroughfare A street or highway so designated on the Major Thoroughfare Plan of Kent County.
15. Minor Street A street other than a major thoroughfare or collector street and intended primarily for providing access to abutting properties.
16. Planning Commission The Kent County Planning Commission.
17. Regulations The whole body of regulations, text, charts, diagrams, notations, and references contained or referred to in this Ordinance.
18. Roadway That portion of a street or highway available for and intended for use by motor vehicle traffic.
19. Service Drive A minor street which is parallel to and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

20. Street A public or private thoroughfare which affords the principal means of access abutting properties, and whether designated as a freeway, expressway, highway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.
21. Street Line A dividing line separating a lot, tract, or parcel of land and a contiguous street, and also referred to as a right-of-way line.
22. Subdivider Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein, and including any agent of the subdivider.
23. Subdivision The division of a lot, tract or parcel of land into two (2) or more lots, parcels, sites, or other divisions of land. It includes resubdivision and when appropriate to the context, shall refer to the process of subdividing or the land subdivided. Subdivisions shall be classified into one of the following:
- A. Major Subdivision: Any subdivision containing six (6) or more lots, parcels, sites and other divisions of land.
 - B. Minor Subdivision: Any subdivision containing five (5) or fewer lots, plats, sites.
 - C. Adjustment of Lot Lines: Adjustment of lot lines between adjoining property owners which do not create additional building lots are subject to the following rules.
 - 1) Transfer of these lots are not counted in determining the number of lots in a subdivision.
 - 2) Plat requirements are at the discretion of the Director of Planning but may not exceed those for a minor subdivision.
 - 3) Procedures shall be the same as that for minor subdivisions.
 - D. All lots, parcels, sites and other divisions of land recorded after December 23, 1969, from an original lot, tract, or parcel of land described in the Land Records of Kent County, shall be counted in determining the number of lots in the subdivision. The original lot is also counted in determining the number of lots.

24. Technical Advisory Committee (TAC) A committee organized to review and comment on subdivision and other development proposals. TAC consists of the following persons or their designated representatives: Planning Director, Director of Environmental Programs, State Highway Administration Maintenance Engineer or County Roads Engineer, State Project Forester and representatives of other agencies concerned with development or subdivision review.
25. Private Road A way for vehicular traffic maintained by private property owners using and/or abutting on it. Private roads are only allowed in minor subdivisions and may serve no more than five (5) lots, or parcels.

ARTICLE 4. GENERAL PROVISIONS

Section 1. Subdivider Must Prepare and Record Plat

From and after the effective date of this Ordinance, any owner, agent, or proprietor of any tract of land located within the territory to which these regulations shall apply, who subdivides such land into lots, blocks, streets, alleys, public ways, or public grounds, shall cause a plat of such subdivision to be made in accordance with the regulations set forth herein and the laws of the State of Maryland, and shall cause a copy of said plat to be recorded in the office of the Clerk of the Circuit Court.

Section 2. Approval of Plat Required

No plat of subdivision shall be recorded by the Clerk of the Circuit Court unless and until it shall have been submitted to and approved by the Planning Commission as provided herein. The Planning Commission shall not approve said plat unless and until the plat satisfactorily complies with the requirements of these regulations.

Section 3. Transfer of Land; Building Permits

No parcel of land in a subdivision created after the effective date of this Ordinance shall be transferred, sold, or offered for sale, nor shall a building permit be issued for any structure thereon, until a plat of subdivision shall have been recorded with the Clerk of the Circuit Court in accordance with these regulations and the laws of the State of Maryland. Any person who violates this provision shall be subject to the penalties contained herein.

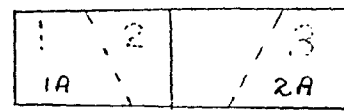
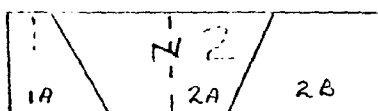
Section 4. Requirements for Plat Preparation

In the preparation of a plat of subdivision, the subdivider shall comply with the general principles of design and minimum requirements for the layout of subdivisions as set forth in Article 6, and with the rules and regulations concerning required improvements as set forth in Article 8, and in the standards and specifications for improvements as adopted by the County Commissioners, and in every case the preparation of such plat shall be in accordance with the procedure of Article 5.

Section 5. Resubdivision

When recording resubdivisions or combining lots in recorded subdivisions, letters rather than numbers should be used to indicate lots whose boundary and area have been affected.

The numerical sequence shall remain intact to avoid confusion in the future.



ARTICLE 5. PROCEDURE FOR PLAT SUBMISSION AND APPROVAL

Section 1. Minor Subdivision Procedures

The following procedures are established for the filing and review of minor subdivisions:

1. Preliminary Conference with Planners (Optional) - Informational meeting to discuss zoning regulations, topography, subdivision procedures and subdivision proposal. Minor subdivisions which propose improvements shall follow the Major Subdivision Procedure. For the purpose of this ordinance, private roads in minor subdivisions shall not be considered improvements.
2. Prepare plat (see checklist for requirements), submit five (5) copies of plat to the Planning Office with subdivision application and pay fees.
3. TAC Review.
4. The Planning Director has the authority to approve, approve with conditions, or disapprove minor subdivisions.

The Director may at his discretion submit the application to the Planning Commission for approvals.

In the absence of a Director of Planning the Planning Commission shall approve, approve with conditions, or disapprove minor subdivisions.

5. After approval submit three (3) stable base plastic or linen, and three (3) black or blue line prints to the Planning Office to obtain the following signatures:
 - a) Director of Planning - This signature indicates that the plat has been reviewed and approved.
 - b) Health Officer - This signature indicates that the plat has been reviewed and approved by the State Health Department.
- When applicable:
- c) Chairman of the Planning Commission - This signature indicates that the plat has been reviewed and approved.
6. File three (3) stable based plastic or linen copies of the final plat with the Clerk of Court.
 7. File three (3) paper copies with the Planning Office. The Health Department and the Soil Conservation District will each receive one copy of the paper copies.

Section 2. Major Subdivision Procedures

1. Preliminary conference with planning staff. The subdivider shall arrange a meeting with a member of the planning staff to discuss zoning requirements, subdivision regulations and procedures, subdivision proposal and topography.
2. Prepare sketch plat (details for plat discussed in preliminary conference with planning staff, optional), submit sketch plat with application and fees.
3. Submit five (5) copies of preliminary plat to the Planning Office (see checklist for requirements).
4. TAC review - The plat will be reviewed for:
 - a) General suitability of the site for the proposed development.
 - b) Suitability of design with regard to surrounding land use, drainage, stormwater management, soils, topography, trees, and natural features.
 - c) Interior roads.
 - d) Method and suitability of access.
 - e) Water and sewer.
 - f) Design.
5. Planning Commission - The Planning Commission may approve, approve with conditions, or disapprove the preliminary plat.
6. After approval of the preliminary plat, the applicant shall submit improvement plans.
7. Submit five (5) copies of improvement plans to the Planning Office for review by TAC and the Planning Commission.
8. Acquire improvement bond or submit cash escrow.
9. Submit five (5) copies of the final plat to the Planning Office for review by TAC and the Planning Commission.
10. After approval of the final plat, the applicant will leave three (3) stable base plastic or linen, and three (3) paper copies of the plat for the purpose of obtaining proper signatures. Signatures are the same as required in minor subdivisions.
11. File three (3) stable base plastic or linen copies of the final plat with the Clerk of Circuit Court.

12. File three (3) paper copies with the Planning Office. The Health Department and the Soil Conservation District will each receive one copy of the paper copies.

Section 3. Filing Fees

The following will be paid by the subdivider at the time of filing the application for subdivision approval:

1. Minor Subdivision (5 parcels or less) \$25.
2. Major Subdivision (6 parcels or more) \$200, plus \$10 per lot for each lot or parcel more than ten (10).
3. Resubdivision \$25 per newly created parcel; \$25 per plat for modification.

ARTICLE 6. DESIGN REQUIREMENTS AND STANDARDS

Section 1. General Requirements

1. The subdivision layout shall conform in all essential respects with the official Major Thoroughfare Plan and other aspects of the adopted Comprehensive Plan for the County.
2. The subdivision layout shall be in full compliance with the provisions of the zoning districts in which it is located.
3. The subdivision layout shall be designed in accordance with the principles and standards contained in this article, with the objective of achieving the most advantageous development of the subdivision and adjoining areas.

Section 2. Suitability of Land

1. Land subject to periodic flooding shall not be subdivided for residential occupancy nor for any other use which might involve danger to health, life or property or aggravate the flood hazard, and such land within any proposed subdivision shall be reserved for uses which will not be endangered by periodic or occasional inundation.
2. A plat for the subdivision of land with poor drainage or other adverse physical conditions will be considered for approval only if the subdivider shall agree to make whatever improvements are necessary, in the judgement of the Planning Commission, to render the land safe and otherwise acceptable for development.

Section 3. Street Layout

1. The street layout shall be designed to create desirable building sites while respecting existing topography, minimizing street grades, avoiding excessive cuts and fills, and preserving trees to the maximum extent possible.
2. Streets shall be spaced to allow for blocks meeting the dimensional requirements contained herein and to minimize the number of intersections with existing or proposed major thoroughfares.
3. Where the subdivision adjoins or embraces any part of a major thoroughfare as designated on the Major Thoroughfare Plan, the layout of such subdivision shall provide for the platting and dedication of such part of the major thoroughfare in the location and at the width indicated on such plan, except that the subdivider shall not be required to dedicate that part of such major thoroughfare which is in excess of 80 feet in width.

4. Wherever deemed desirable to the layout of the subdivision and adjoining areas, the Planning Commission may require the platting and dedication of one or more collector streets, or parts thereof, to serve the subdivision.
5. Minor residential streets, intended primarily for access to individual properties, shall be so arranged as to discourage their use by through traffic.
6. Streets shall be laid out to intersect one another at as near to right angles as topography and the limiting factors of good design will permit, and no street shall intersect another street at an angle of less than 60 degrees.
7. Proposed streets in the subdivision shall provide for the continuation of existing, planned, or platted streets on adjacent tracts, unless such continuation shall be prevented by topography or other physical condition, or unless such extension is found by the Planning Commission to be unnecessary for the coordination of development between the subdivision and such adjacent tract.
8. Where the Planning Commission deems it desirable or necessary to providing access to adjacent tracts not presently subdivided, proposed streets in the subdivision shall be extended to the boundary lines with such adjacent tracts, and temporary turnarounds shall be provided at the ends of such streets, by means of temporary easements or otherwise.
9. Where the subdivision abuts or contains a primary highway as designated on the Major Thoroughfare Plan, the Planning Commission may require that measures be taken to reduce the impact of heavy traffic on the residential lots abutting or fronting upon such highway and to afford separation of through and local traffic, through one of the following means:
 - a) By providing vehicular access to such lots by means of a service drive separated from the major thoroughfare by a planting strip and connecting therewith at infrequent intervals.
 - b) By designing reverse frontage lots having access only from a parallel minor street or from cul-de-sac or loop streets, and with vehicular access to such lots from the major thoroughfare prohibited by deed restrictions or other means.

The choice of the most appropriate method of accomplishing the desired purpose in a specific instance shall be made by the Planning Commission, giving consideration to topography and other physical conditions, the character of existing and contemplated development in the subdivision and its surroundings, and other pertinent factors.

10. Where land in the proposed subdivision adjoins a railroad line, the street layout shall make allowance for future grade-separated railroad crossings at appropriate locations by providing extra street right-of-way widths for such crossings and by restricting intersecting streets at locations where they would cause interference with the necessary approaches to such crossings.
11. Cul-de-sac streets, generally not exceeding 600 feet in length, shall be permitted where they are necessitated by topographic conditions or where, in the judgment of the Planning Commission, they are appropriate to the type of development contemplated.
12. Alleys shall be provided in commercial and industrial areas, unless adequate access to parking and loading areas is provided by other means. Alleys will not be permitted in residential areas, except for providing rear access to row dwellings or where required by topographic or other unusual conditions. In the absence of alleys, easements will be required for utility lines or drainage facilities.
13. Half streets will be prohibited, except where they are essential to the reasonable development of the proposed subdivision in conformity with the other requirements of these regulations, and where the Planning Commission finds that it will be practicable to require dedication of the remaining half when the adjoining property is subdivided. Wherever a half street adjoins the proposed subdivision, the remaining half of the street shall be platted within such subdivision.
14. Private Roads - Private roads are allowed in minor subdivisions (five or fewer lots). These roads are subject to the following conditions:
 - A. The deed and contract of all lots in the subdivision shall state:
 - 1) The road is private and not the responsibility of Kent County;
 - 2) Each road may serve no more than five (5) parcels; and
 - 3) In the event that a sixth parcel is created, the sixth parcel and all further divisions of land must front on a public road and are subject to the regulations governing major subdivisions.
 - B. The plat shall identify all private road and shall state:

The road is private and not the responsibility of Kent County.

- C. The subdivision must provide a 50 ft right-of-way for each private road.
- D. The construction of all lanes and private roads shall adhere to the sediment control and stormwater management ordinances.

Section 4. Street Design Standards

Unless otherwise specified in this ordinance, the provisions of this section do not apply to private roads.

- 1. Right-of-Way Width Right-of-way widths for primary and secondary highways shall be as designated in the Major Thoroughfare Plan, and in any case not less than 150 feet for primary highways and 80 feet for secondary highways; provided, however, that widths above these minimums may be required by state officials to meet particular traffic conditions.

Right-of-way widths for other street types shall be not less than 60 feet for collector streets and for minor streets in multiple family residential, commercial, and industrial areas; 50 feet for minor streets in other residential areas; 40 feet for service drives; and 16 feet for alleys.

- 2. Roadway Widths Roadway widths for primary and secondary highways shall be not less than the minimum specified by state officials, but in any case not less than 24 feet with 10 foot shoulders.

Roadway widths for other street types shall be not less than the following:

- a. Collector streets, and minor streets in multiple-family residential, commercial, and industrial areas: 40 feet with curbs and gutters, except that streets serving lots of one acre or more may, with the approval of the Planning Commission, have a minimum roadway width of 22 feet with 8 foot shoulders.
- b. Minor streets in single-family residential areas, and service drives: 30 feet with curbs and gutters, except that streets serving lots of one acre or more may, with the approval of the Planning Commission, have a minimum roadway width of 20 feet, with 6 foot shoulders on each side for minor streets and on one side for service drives.
- c. Alleys: 16 feet.

- 3. Cul-de-sacs Cul-de-sac streets shall have a circular turnaround of not less than 100 feet in diameter to the street line, and with a roadway of not less than 80 feet in diameter, unless the Planning Commission approves a "T" or "Y" backaround.

4. Street Grades Street grades shall not exceed five percent for primary and secondary highways and collector streets and eight percent for minor streets, service drives, and alleys, except that the Planning Commission may permit a variation of not greater than two percent from these maximums where topographic conditions warrant. Street grades shall be not less than one-half of one percent at the gutter.
5. Curvature The radius of curvature on the center line shall be not less than 400 feet for primary and secondary highways, 300 feet for collector streets, and 100 feet for minor streets, service drives, and alleys. Between reversed curves, either of which has a radius of less than 200 feet, there shall be a tangent section at least 100 feet in length.
6. Intersections Each property corner at street intersections shall be rounded off by an arc, the radius of which shall be not less than 20 feet, except that in a business area a chord may be substituted for such arc. Curbs at street intersections shall be rounded off concentrically with the property lines. The design of the intersection should provide clear sight distance for oncoming vehicles, and there should be a suitable leveling of the street grade within and approaching the intersection.

Section 5. Blocks

1. Residential blocks shall normally not exceed 1,300 feet in length, nor be less than 500 feet in length between street lines. In any residential block more than 800 feet in length, a crosswalkway of not less than 10 feet in width may be required where necessary to provide convenient access to schools, playgrounds, shopping centers, and other community facilities.
2. Residential blocks shall normally be of sufficient width to provide two tiers of lots of appropriate depth.
3. Blocks for business or industrial use shall be of such length and width as may be necessary to serve their prospective use, including making adequate provision for off-street parking and for the loading and unloading of delivery vehicles.
4. Irregularly-shaped blocks indented by cul-de-sacs or looped streets, and containing interior parks or playgrounds, will be acceptable when they are properly designed, including making provision for adequate parking and for the maintenance of the public or joint-use recreation area.

Section 6. Lots

1. The lot arrangement, design, and orientation, shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.

2. The dimensions and areas of all lots shall comply with the requirements of the zoning district in which they are located, except that in any case where public water supply and/or public sewerage are not available or are not to be provided, all residential lots shall comply with the minimum lot dimensions and areas established by the Health Officer or State Department of Health after appropriate water percolation tests, where these requirements are greater than required under the zoning regulations.
3. Excessive lot depth in relation to lot width shall be avoided. A ratio of depth to width of 2 to 1 shall be considered a desirable maximum.
4. Corner lots shall desirably have extra width to permit appropriate building setback from both streets in accordance with the zoning regulations.
5. Every lot shall abut upon, and have access to a public street or approved private road.
6. Double frontage and reverse frontage lots shall be avoided, except where their use is essential to overcoming special topographic problems or to separating residential development from heavy street traffic.
7. Residential lots fronting or abutting on major thoroughfares shall desirably have extra lot depths and deeper building setbacks.
8. Lots adjoining a railroad line shall have extra lot depth and shall provide for an appropriate means of buffering such lots from such railroad line.
9. Insofar as possible, side lot lines shall be substantially at right angles or radial to the street line, except where a variation to this requirement will provide an improved street and lot layout.
10. The size and shape of lots intended for single family residential use shall be sufficient to permit the ultimate provision of a garage on each lot, except that the Planning Commission may permit the grouping of garages into a compound serving several such lots.

Section 7. Easements

1. Where alleys are not provided in appropriate locations, easements of not less than 10 feet in width shall be provided where necessary to meet public utility requirements. Easements of greater widths may be required along lot lines or across lots where necessary for the extension of trunk sewers or other primary utility lines.

2. Where a proposed subdivision is traversed by any stream, water course, or drainageway, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, water courses, and drainageways.
3. Utility easements in private rights-of-way or in joint-use recreation areas may be permitted at the discretion of the Planning Commission, if the design considerations of the proposed subdivision warrant such easements.
4. No building or structure shall be constructed on any easement without the written authorization of the County Commissioners.

Section 8. Public Sites and Open Space

1. Where the proposed subdivision includes lands proposed for use as parks, playgrounds, playfields, public landings, or school sites under the Comprehensive Plan, the subdivider shall indicate the location of such lands on the subdivision plat and shall either dedicate such lands or shall reserve the right of purchase of such lands by the appropriate jurisdiction within the specified time limit, the subdivider shall be free to market such lands for an alternate purpose as specified on the approved subdivision plat.
2. Park, playground, and playfield sites shall be reserved for a period of two years from the date of recording the subdivision, and school sites shall be reserved for four years from such date. The reservation shall give the appropriate agency the right to purchase such land at the appraised raw land value plus one-half the cost of surface improvements on any streets are contiguous to the site.
3. Where deemed essential by the Planning Commission upon consideration of the type of development proposed in the subdivision, the subdivider may be required to dedicate other areas or sites of a character, extent, and location suitable to meeting the needs of such development. In lieu of dedicating such additional areas, they may be reserved for the common use of all property owners in the proposed subdivision through deed restrictions.

ARTICLE 7.

Section 1. CHECKLIST FOR MINOR SUBDIVISION PLAT

1. Prints are clear and legible.
2. Proper size: 8 1/2 x 14", 18 x 24", or 8 1/2 x 11".*
3. Vicinity Map, Scale: 1" = 1 mile or another scale which clearly shows the location of the property (verify scale with administrator prior to plat preparation if different from 1" = 1 mile.)*
4. Title Block information:
 - a. Names of owners on record and/or the subdivider.
 - b. Location by Election District, County and State.
 - c. Scale of the plat:
1" - 100 feet or greater detail.
 - d. Date of plat and all revisions.
5. Signature blocks for the Director of Planning, County Health Officer, Chairman of Planning Commission (when applicable).
6. Surveyor's signature and seal.
7. Northpoint.
8. Names of adjoining property owners with liber and folio or name, recording reference and lot numbers of adjoining recorded subdivision, if applicable.
9. Boundary of subdivision shown in heavy outline.
10. Distances of courses to hundredths of a foot.
11. Bearings accurate to 10 seconds.
12. Location, width & names of existing or proposed roads within or abutting the subdivision.
13. Identification of private roads.
14. Curve data in tabular form, if applicable.
15. No distance marked "more or less" except mean high water.
16. Location, dimension & purpose for all apparent existing or proposed easements, rights-of-way, PDA ditches, and stormwater management structures and devices.
17. Areas of each lot in acres & thousandths.
18. Location & description of all monuments & markers as required.

*amended 2/19/85

19. Listing of all previous lots subdivded from the original lot after 12/23/69.
 - a. Lot number
 - b. Owner
 - c. Date recorded
 - d. Recording reference
20. Natural or man-made features.
21. Location of water & sewer, where applicable.
22. Statement: "Private roads are not the responsibility of Kent County."
23. The Director has the authority to require topography.

Section 2.

MAJOR SUBDIVISION CHECKLIST

PRELIMINARY PLAT

1. Prints are clean and legible.
2. Proper size - 24" x 36".
3. Surveyor's seal on each sheet.
4. Vicinity Map, Scale: 1" = 1 mile, or another scale which clearly shows the location of the project (verify scale with administrator prior to plat preparation if different from 1" = 1 mile.)*
5. Title Block information:
 - a. Subdivision name, section & lot numbers.
 - b. 1" = 100 ft or greater detail.
 - c. Location by election district, county & state.
 - d. Names & addresses of owners on record and/or the subdivider.
 - e. Date of the plat and all revisions.
6. Names of adjoining property owners with liber and folio or name, recording reference & lot numbers of adjoining recorded subdivision, if applicable.
7. Northpoint.
8. Boundary of subdivision shown in heavy outline.
9. Distances of courses to hundreds of a foot.
10. Natural or man-made features.
11. Location & purpose of all existing or proposed easements, rights-of-way, F.D.A. ditches and stormwater management structures and devices.
12. Locations, width & name of all existing or proposed roads within or abutting the subdivision.
13. Layout of all existing & proposed lots.
 - a. Lot numbers
 - b. Scaled areas
 - c. Scaled dimensions
14. Location, dimensions & areas of property reserved for public use, if applicable.
15. Location of any municipal or corporate limit or election district line close to or crossing the tract.

*amended 2/19/85

16. Tabulation showing the following:
 - a. Total number of lots
 - b. Acreage of each lot
 - c. Total area of roadways & other lands to be dedicated.
 - d. Total area of subdivision to be recorded.
 - e. Total acreage of subdivision.
17. Field topography (This may be waived by the Director of Planning. When a waiver is granted, a written explanation must accompany the plat).

ARTICLE 8. IMPROVEMENTS

Section 1. Required Improvements by Subdivider

The subdivider shall be required to provide and install, or to enter into agreements to provide and install, certain minimum improvements in the subdivision as a condition for approval of the Final Plat by the Planning Commission. All such required improvements shall be constructed in accordance with the minimum requirements of these regulations and the construction standards and specifications adopted by the County Commissioners of such other governmental agency as may have jurisdiction over a particular improvement. Nothing contained herein, however, shall be construed as prohibiting the subdivider from installing improvements meeting higher standards than the minimum requirements.

Prior to filing the final plat with the Planning Commission the subdivider shall furnish the County Commissioners with a cash deposit or a performance bond executed by a security company and running to the County. Such cash deposit or performance bond shall be in an amount sufficient to cover the cost of the improvements required to be installed by the subdivider, thereby insuring the actual construction and installation of such improvements prior to, or in no case later than, the time that such improvements are needed to serve buildings placed on abutting lots. The cost of required improvements shall be estimated by the Engineer or other authority having jurisdiction. In the event of any dispute concerning the amount of cash deposit or bond required, the County Commissioners shall make the final decision based upon at least two additional cost estimates. The amount of the performance bond shall be revised by the Planning Commission prior to the end of each year and the required amount may be revised by the County Commissioners and a revised bond submitted if the original amount is determined to be insufficient or excessive. In no event shall a bond be renewed for a period of more than two years. In the event required improvements are not completed within two years of approval of a final plat, no further building permits shall be issued for any lot in the subdivision and no further lots shall be sold, transferred, or recorded, until said improvements are completed and approved.

Section 2. Minimum Requirements

The minimum requirements for the installation of improvements in subdivisions shall be as follows:

1. Roads and Streets - All new roads and streets shall be constructed in accordance with the minimum requirements of these regulations and the County Commissioners. Existing roads and streets which do not meet these specifications with regard to width or type of construction shall be widened and brought into conformity on that portion of the road or street within or adjoining the subdivision.

The roadbed and roadway wearing surface shall be constructed in accordance with applicable county standards. Curbs and gutters shall be provided in all subdivisions where the average lot area is less than one acre. Where curbs and gutters are not required, stabilized shoulders and stabilized drainageways outside the shoulders shall be provided. Street name signs of an approved design shall be erected at each new street or road intersection.

2. Surface Drainage Facilities - The subdivision shall be provided with such storm drains, culverts, drainageways, or other works as are necessary to collect and dispose of surface and stormwater originating on or flowing across the subdivision, in order to prevent inundation and damage to streets, lots, and buildings.

3. Water Supply Facilities - Every subdivision with lots of such size as to require a public water supply under the regulations of the State Department of Health shall be provided with a community water supply and distribution system and appropriately spaced fire hydrants. The source of supply may be a county or municipal water system, in which case the distribution system for the subdivision shall meet the standards for such system and shall become a part thereof without cost to the county or municipality, or it may be an independent source of supply approved by the health officer, in which case some acceptable arrangement shall be made for its ownership and operation by a nonprofit water association.

Where a public source of water supply will not be available, private on-site sources of water supply, approved by the health officer, shall be provided.

4. Sanitary Sewerage Facilities - Every subdivision with lots of such size as to require a public sewer system under the regulations of the State Department of Health shall be provided with a community sanitary sewer system connected to a county or municipal system or to an adequate community sewage disposal plant meeting the requirements of the State Department of Health. If connected to a county or municipal system, sewers shall be constructed to meet the standards and requirements of such system and shall become a part thereof without cost to the county or municipality. If built as an independent system, some acceptable arrangement for ownership and operation by a non-profit sewer association shall be made.

Where a public sewerage system will not be available, private on-site means of sewage disposal meeting the requirements of the health officer shall be provided; and, in addition, the health officer may require the installation and capping of sanitary sewer mains and house connections if his evaluation shall indicate that public sewer service will be necessary in the future to protect public health.

5. Street Trees - Street trees and other landscaping improvements shall be considered as a desirable part of street improvements in the subdivision. If the subdivider proposes to install such trees and landscaping, the proposed location and the species of plant material to be used shall be subject to the approval of the engineer.

6. Reference Monuments - Permanent reference monuments, of stone or concrete and at least 36 inches in length and 4 inches square with suitable center point, shall be set flush with the finished grade at such locations as may be required by the Planning Commission and the laws of the State of Maryland.

Monuments of metal pipe, 3/4 inches in diameter and at least 24 inches in length, shall be set in place flush with the finished grade at all intersections of streets; at all intersections of streets and alleys with subdivision boundary lines; at all points on streets, alleys, and boundary lines where there is a change in direction or curvature; and at all lot corners.

Section 3. Improvement Plans

Plans, profiles, and specifications for the required improvements shall be prepared by the subdivider and submitted for approval by the appropriate public authorities prior to construction. Plans and profiles shall be drawn to a horizontal scale of one inch to 100 feet or less and a vertical scale of one inch to 20 feet or less, unless the Engineer shall specify otherwise, and such plans and profiles shall be sufficiently detailed to show the proposed location, size, type, grade, and general design features of each proposed improvement. The plans, profiles, and specifications to be submitted shall include the following:

1. Plans and profiles of each street, showing proposed grades and street intersection elevations.
2. Cross-sections of proposed streets, showing the width of roadways, present and proposed grade lines, and the location and size of utility mains, taken at intervals of not more than 50 feet along each street centerline unless otherwise required by the Engineer. Such Cross-sections shall extend laterally to the point where the proposed grade intersects the existing grade, except that in no case shall less than the full width of the street right-of-way be shown.
3. Plans and profiles of proposed sanitary sewers and storm drains, with proposed grades and pipe sizes indicated.
4. Plans of the proposed water distribution system, showing pipe sizes and the locations of all valves and fire hydrants.

5. Where appropriate, a site plan of proposed street trees and other landscaping improvements.
6. Written specifications for all proposed improvements.

Section 4. Inspection and Acceptance

All construction work on improvements required herein shall be subject to inspection and approval by the Engineer, Health Officer, and other authorized public officials, during and upon completion of such construction work. Upon the completion of each improvement, the subdivider shall furnish the appropriate official with accurate and detailed engineering drawings of the improvement as it was actually constructed.

The Final Plat of the subdivision shall not be approved by the Planning Commission until a satisfactory performance bond or cash deposit is posted. No such bond shall be released until all improvements secured by such bond shall have been completed and approved as being in compliance herewith; provided, however, that a partial release may be approved for such improvements as may have been completed and approved by appropriate officials.

Approval of the Final Plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way or public grounds shown on said plat. The jurisdiction involved shall have no obligation to accept and to make public any street in a subdivision unless:

1. All required improvements shown on the approved Final Plat have been constructed in conformity with the required standards and specifications; or
2. A petition signed by the owners of at least 50 percent of the frontage of the street in question, requesting that the street be taken over and made public, is filed with the governing body of the jurisdiction involved, and it is established by such governing body that there is a need for the street to be taken over and made public.

The jurisdiction involved shall have no responsibility with respect to any street within a subdivision, notwithstanding the use of such street by the public, unless the street is accepted by ordinance or resolution of the governing body of such jurisdiction.

Section 5. Checklist -- Improvement Plans

1. SPECIFICATIONS AND DRAWINGS FOR:

- A. Road
- B. Sidewalk
- C. Drainage & Stormwater
- D. Water Supply
- E. Sewerage

2. QUANTITIES AND COST OF:

- A. Roads
- B. Sidewalks
- C. Drainage & Stormwater
- D. Water Supply
- E. Sewerage

3. DESIGN DATA:

- A. Roads
- B. Sidewalks
- C. Drainage & Stormwater
- D. Water Supply
- E. Sewerage

4. SIGNATURE BLOCKS FOR: (when applicable)

- A. Sediment control/grading/stormwater management
- B. Soil Conservation District
- C. Health Department

5. CERTIFICATION:

- A. Registered Surveyor
- B. Professional Engineer

ARTICLE 9. THE FINAL PLAT

Checklist for Final Plat

1. All elements of preliminary plat.
2. Signature blocks for:
 - a. Chairman of Planning Commission
 - b. Director of Planning
 - c. County Health Officer
3. Owner's certification and dedication.
4. Location and description of all monuments as required.
5. No distances marked more or less except mean high water.
6. Registered surveyor's signature and seal.
7. One hundred year floodplain boundary and base flood elevations where applicable.

ARTICLE 10. MODIFICATIONS AND EXCEPTIONS

Section 1. Modification for Unusual Conditions

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the subdivder because of unusual topography or other conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Planning Commission may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this Ordinance or being contrary to the goals and objectives of the Comprehensive Plan for the county. In no case shall any variation, modification, or waiver be more than a minimum easing of the requirements, and in no instance shall it result in any conflict with the proposals of the adopted Major Thoroughfare Plan for the county or the applicable zoning regulations.

Section 2. Exceptions for Residential Planned Community Districts

Where land within the unincorporated territory of Kent County is proposed for development in accordance with the provisions of the Kent County Zoning Ordinance pertaining to the establishment of Residential Planned Community Districts, the requirements and conditions for approval as set forth in that Ordinance shall prevail in the case of any conflict with these regulations; provided, however, that nothing in this section shall be construed as permitting any exception from the requirements of these regulations with regard to the design, arrangement, or improvement of streets and highways within any proposed Residential Planned Community District.

Section 3. Approval of Modifications and Exceptions

Variances, modifications, and waivers from the requirements of this Ordinance shall be granted only by the affirmative vote of two-thirds of the members of the Planning Commission. In granting variances, modifications, and waivers, the Planning Commission may require such conditions as will, in its judgement, substantially secure the objectives of the requirements so varied, modified, or waived.

ARTICLE 11. CHANGES AND AMENDMENTS

The County Commissioners may, from time to time, amend, supplement, or change, by ordinance, the regulations herein established. Any such amendment or change may be initiated by resolution of the County Commissioners or by motion of the Planning Commission. Before taking action on any proposed amendment or change, the County Commissioners shall submit the same to the Planning Commission for its recommendations and report. Failure of the Planning Commission to report within 60 days after its first meeting subsequent to the proposal being referred shall be deemed approval by the Planning Commission.

The Planning Commission shall hold a hearing on any proposed amendment or change before submitting its report to the County Commissioners. Notice of such public hearing before the Planning Commission shall be given at least 15 days prior to the hearing by publishing the time, the place, and the nature of the hearing in a newspaper having general circulation in the County. The published notice shall contain reference to the place or places within the County where the full text of the proposed amendment or change may be examined.

Before approving any proposed amendment or change, the County Commissioners shall hold a public hearing thereon, notice of said hearing to be accomplished by publication in a newspaper as prescribed above.

ARTICLE 12. PENALTIES FOR VIOLATION

Whoever, being the owner or agent of the owner of any land located within the jurisdiction of these regulations, knowingly, or with intent to defraud, transfers or sells or agrees to sell or negotiates to sell any land by reference to, or exhibition of, or by other use of a plat of land subdivision, before such plat has been approved by the Planning Commission and recorded or filed in the office of the Clerk of the Circuit Court, shall forfeit and pay a penalty of not more than one hundred dollars (\$100.00) for each lot or parcel so transferred or sold or agreed or negotiated to be sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties, or from the remedies herein provided. The County Commissioners may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, or may recover the said penalty by civil action in any court of competent jurisdiction.

Every act or omission in violation of this Ordinance shall be punishable as provided herein. Where such an act or omission is of a continuing nature, each and every day during which such act or Commission continues shall be deemed a separate misdemeanor.

ARTICLE 13. APPEALS

Any person aggrieved or any officer, department, board, or bureau of the county affected by any decision of the Planning Commission or Director of Planning may, within 30 days after the decision appealed from, file a notice of appeal with the Circuit Court. Upon the hearing of such appeal, the decision of the Planning Commission or Director of Planning shall be presumed by the Court to be proper and to best serve the public interest. The burden of proof shall be upon the appellant or appellants, to show that the decision was not honestly and fairly exercised, or that such decision was arbitrary, or procured by fraud, or unsupported by any substantial evidence, or was unreasonable, or that such decision was beyond the powers of said Planning Commission or Director of Planning and was illegal. The Court shall have the power to affirm, modify, or reverse in whole or in part any decision appealed from, and may remand any case for the entering of a proper order or for further proceeding, as the Court shall determine.

ARTICLE 14. VALIDITY

 If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

ARTICLE 15. REPEAL OF CONFLICTING ORDINANCES

 The Subdivision Control Ordinance enacted on September 19, 1961, and all amendments there to be and are hereby repealed.

 Adopted and made effective this 23 day of December, 1969.

 THE COUNTY COMMISSIONERS OF KENT COUNTY

 R. Clayton, Mitchell, Jr.
 President

 Percy M. Hepbron
 Member

 Thomas A. Haddaway, Jr.
 Member

ATTEST:

Kathryn N. Pinder
Clerk to County Commissioners

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